

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JUAN CARLOS SANTIAGO,

Plaintiff,

v.

SHIVA'S INDIAN RESTAURANT,
SHYAM CHOUDHARY, HARSH
BAHL, and OM BUSINESS SERVICES,
INC.,

Defendants.

Case No. 16-cv-03757 NC

**ORDER APPROVING
SETTLEMENT AND DISMISSING
CASE**

Re: ECF 17

Presented to the Court is a joint motion for approval of the settlement of plaintiffs' claims under the Fair Labor Standards Act (FLSA). During the time period covered by the settlement, plaintiff Santiago asserts he worked as a "busser" at Shiva's Indian Restaurant in downtown Mountain View, California. Plaintiff asserts that he was not properly paid his overtime premiums when he worked more than 40 hours per week.

After the case was referred for mediation, the parties resolved plaintiff's claims by way of a settlement agreement. ECF 18. All parties have consented to the jurisdiction of a magistrate judge under 28 U.S.C. § 636(c). ECF 7, 10. Plaintiff Santiago is bound by the settlement. He has agreed to dismiss and release his claims, subject to Court approval. Defendants have agreed to pay a total of \$13,000.00. Of this total amount, plaintiff's counsel will retain \$4,290.00 in fees and costs; Santiago will receive \$8,710.00. ECF 17.

Because one of plaintiffs' claims is under the FLSA, approval by either the

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1 Secretary of Labor or the Court is required. When presented with a proposed settlement of
2 FLSA claims, the Court “must determine whether the settlement is a fair and reasonable
3 resolution of a bona fide dispute.” *See Lynn’s Food Stores, Inc. v. United States*, 679 F.2d
4 1350, 1353 (11th Cir. 1982); *Yue Zhou v. Wang’s Restaurant*, Case No. 05-cv-0279 PVT,
5 2007 WL 2298046, at *1 (N.D. Cal. Aug. 8, 2007).

6 Here, the Court has reviewed the settlement. ECF 18. There were no objections
7 received. The Court finds that the settlement is a fair and reasonable resolution of a bona
8 fide dispute.

9 Finally, the parties have requested that the Court dismiss the complaint with
10 prejudice upon full payment of the settlement sum (expected by March 20, 2017). That
11 request is granted. Accordingly, the settlement is approved; the complaint is dismissed
12 with prejudice; the clerk is requested to terminate this case; and the Court retains
13 jurisdiction to enforce the settlement until April 7, 2017, or further Court order.

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15 **IT IS SO ORDERED.**

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17 Dated: February 14, 2017

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20 NATHANAEL M. COUSINS
21 United States Magistrate Judge
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